IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 3986 of 2007(M)

C.R.NO.17/07 OF THIRUVALLA EXCISE RANGE
CMP.1203/2007 of J.M.F.C.,THIRUVALLA

.....

PETITIONER/ACCUSED:

MURALEEDHARAN NAIR,S/O.CHELLAPPAN NAIR,
AGED 45 YEARS,RESIDING AT KANAJATTU VEEDU,
KOZHIMALA MURI,ERAVIPEROOR VILLAGE,
THIRUVALLA TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.Nos. 3986 & 4007 of 2007

- -

Dated this the 3rd day of July, 2007

O R D E R

The common petitioner faces allegations in two different cries, both under the provisions of the Kerala Abkari Act. In one it is alleged that he was in possession of 223 litres of spirit, whereas in the other it is alleged that the petitioner was found in possession of 2.5 litres of arrack. It is unnecessary for me to advert to facts in any greater detail.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied that the petitioner, who has remained in custody from 4.5.2007 and against whom no final report has been filed so far, is entitled for bail by default under the provisions of Section 167 Cr.P.C.

3. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) in each case, with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of two months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

tm